

**REMARKS**

This application has been reviewed in light of the Office Action mailed on August 18, 2004. Claims 1-8 are pending in the application with Claims 1, 7 and 8 being in independent form. By the present amendment, Claims 1, 7 and 8 have been amended. No new matter or issues are believed to be introduced by the amendments.

(1) In the Office Action, the Examiner maintains that the Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120. The Specification has been amended to include a priority reference to an earlier filed provisional application which was included in a previously filed declaration. By means of the present amendment, the Specification has been amended in a manner which is believed to overcome the priority objection.

(2) In the Office Action, the abstract of the disclosure was objected to because (1) the heading of the abstract should be "Abstract of the Disclosure", (2) a paragraph indentation should be included and (3) a period should be included after the word "network". By means of the present amendment, the current Abstract has been amended as shown in the enclosed Replacement Abstract in a manner which is believed to overcome the objection. Withdrawal of the objection is respectfully requested.

(3) In the Office Action, the Specification was objected to for the inconsistent use of the word 'analyses'. By means of the present amendment, the Specification has been

amended in a manner which is believed to overcome the objection. Withdrawal of the objection is respectfully requested.

(4) In the Office Action, Claims 7 and 8 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In the Office Action, the Examiner alleges that Claims 7 and 8 refer to software that does not reside on a computer readable medium. In response, Claims 7 and 8 have been appropriately amended to incorporate language which comports with the requirements of 35 USC 101. Applicants respectfully submit that independent claims 7 and 8 are no longer directed to non-statutory subject matter and are patentable for at least the reasons stated below.

Amended claim 7 recites a "A computer readable medium storing a computer program comprising: computer readable code for cooperation with an email application, the computer readable code verifying if an attachment to a specific email to be sent is available from the Web.

It is well settled that a computer readable storage medium is a computer based apparatus for performing distinct functions pursuant to instructions from program software (i.e., computer executable code portions), and is, thus, statutory subject matter under 35 USC 101. Accordingly, Claim 1 is believed to satisfy the requirements for statutory subject matter under 35 USC 101.

Independent Claim 8 recites similar subject matter as Claim 7 and therefore contain the limitations of Claim 7. Hence, for at least the same reasons given for Claim 7, Claim 8 is believed to recite statutory subject matter under 35 USC 101.

Accordingly, it is respectfully requested that the rejection under 35 USC 101 of

independent claims 7 and 8 be withdrawn, and independent claims 7 and 8 be allowed.

(5) In the Office Action, Claims 1, 2, 7 and 8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,687,741 issued to Ramalay et al. (hereinafter Ramalay).

Independent Claim 1 has been amended herein to better define Applicant's invention over Ramalay. Claim 1 now recites limitations and/or features which are not disclosed by Ramalay.

Claim 1 as amended herein recites in part:

verifying if (1) the content information is available from a source other than the sender *and* (2) *if the content information is stored in a non-shared disk location between the sender and the receiver*; and (3) if the content information is available from the other source, substituting for the content information a pointer to the other source. [Emphasis Added]

Ramalay discloses a method for sending a file opened in a desktop application program from a sender to a recipient by determining whether the file has been saved to a shared disk location. If so, sending the file as an attachment on the condition that the sender indicated a preference for sending shared files. Otherwise, if the preference of the sender is not to send shared files as attachments, then sending the shared files as links. *If the file has not been saved to a shared disk location, sending the file as an attachment.* Stated alternatively, is the file is saved to a non-shared disk location between sender and receiver, then sending the file as an attachment.

Accordingly, Ramalay does not disclose or suggest determining if content information (e.g., a file) is not stored in a shared disk location and sending a link instead of the file. This is diametrically opposed to what is taught in Ramalay. As stated above, Ramalay

teaches that "*If the file has not been saved to a shared disk location, sending the file as an attachment*".

It is therefore shown that Ramalay does not disclose or suggest verifying if the content information is stored in a non-shared disk location between the sender and the receiver and substituting for the content information a pointer to the other source, as recited in Claim 1, as amended.

It is respectfully submitted that at least the limitations and/or features of Claim 1 which are underlined above is not anticipated by the disclosure of Ramalay.

Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) with respect to Claim 1 and allowance thereof is respectfully requested.

Claim 2 and depends from independent Claim 1 and therefore contain the limitations of Claim 1 and is believed to be in condition for allowance for at least the same reasons given for Claim 1 above. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) and allowance of Claim 2 is respectfully requested.

Independent Claims 7 and 8 as amended, recite similar subject matter as Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 7 and 8 are believed to be allowable over Ramalay. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) and allowance of Claims 7 and 8 is respectfully requested.

(5) In the Office Action, Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaili in further view of Berghel.

Claim 3 depends from Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claim 3 is believed to be allowable over Ramalay

in view of Berghel. Accordingly, applicant respectfully request withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claim 3 and allowance thereof is respectfully requested.


(5) In the Office Action, Claims 4-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ramaili in further view of US Patent No. 6,327,656 to Zabetian.

Claims 4-6 depend from Claim 1 and therefore contain the limitations of Claim 1. Hence, for at least the same reasons given for Claim 1, Claims 4-6 are believed to be allowable over Ramalay in view of Zabetian. Accordingly, applicant respectfully request withdrawal of the rejection under 35 U.S.C. §103(a) with respect to Claims 4-6 and allowance thereof is respectfully requested.

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-8 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Dicron Halajian, Esq., Intellectual Property Counsel, Philips Electronics North America Corp., at 914-333-9607.

Respectfully submitted,

  
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